The Hon'ble Sri Justice P.S.Narayana

Writ Petition No.25521 of 2006

Date: 8th December, 2006

Between :-

J. Sridhar Reddy .. Petitioner

And

The Commissioner,
Hyderabad Municipal Corporation, Hyderabad .. Respondent

The Hon'ble Sri Justice P.S.Narayana

Writ Petition No.25521 of 2006

ORDER:-

1. Heard the Counsel.

2. The matter is coming up for *admission* today.

3. The Writ Petition is filed for a Writ of Mandamus declaring the action of the respondent in issuing the notice UC/685/3/10/2006, dt.3-11-2006 to the petitioner asking the petitioner to remove the constructions made in the third floor in house No.10-3-685/301, situated at P.S.Nagar, Mallepaly, Hyderabad is illegal, arbitrary, unconstitutional and violative of the principles of natural justice and pass such other suitable orders.

4. It is stated that the respondents served notice under Section 636 dt.3-11-2006. It is also stated that there was no service of notice under Section 452 of the Hyderabad Municipal Corporation Act 1955. Specific stand is taken that the notice under Section 452 of the Hyderabad Municipal Corporation Act is mandatory before serving notice under Section 636 of the Act aforesaid. Several other factual details are narrated.

5. In view of the facts and circumstances well explained, the impugned notice to be treated as show cause notice and the petitioner is given liberty to raise all

his objections in relation to what had been specified in the notice impugned and the respondent to consider such objections and pass such appropriate orders. Till such action is taken, in the light of the objections which may be raised by the petitioner, *status-quo* as on today to be maintained.

The Writ Petition is accordingly disposed of. No order as to costs.

Justice P.S.Narayana

8th day of December, 2006

Note:- Operative portion of the order
by wire at party's costs
(B/o.smr)